

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

INTERCOUNTY JUDICIAL SALES
CORPORATION, an Illinois Corporation

Plaintiff,

vs.

COUNTY OF LAKE, ILLINOIS; MARK C.
CURRAN, JR, Lake County Sheriff; COUNTY
OF WILL, ILLINOIS; PAUL J. KAUPAS, Will
County Sheriff; and DUNN, MARTIN,
MILLER & HEATHCOCK, LTD., an Illinois
Corporation,

Defendants.

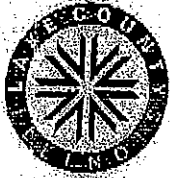
Case No.:

Judge:

Magistrate Judge:

EXHIBIT TO VERIFIED COMPLAINT

Exhibit A - Lake County Ordinance No. 09-1623 Passed on June 9, 2009



Lake County Illinois

Text File

File Number: 09-1623

Introduced: 5/27/2009

Current Status: Passed

Version: 1

Matter Type: ordinance

Title

Joint ordinance authorizing the Sheriff to establish a Judicial Sales Division and charge fees for specified services provided by the Sheriff's Office.

Body

WHEREAS, there has been a dramatic increase in the number of mortgage foreclosure filings across the nation; and

WHEREAS, in Lake County, the number of mortgage foreclosure filings has increased from 2,550 in 2006 to 3,241 in 2007 and 4,748 in 2008; and

WHEREAS, the Illinois Mortgage Foreclosure Act allows most property owners to redeem their property from foreclosure by repaying the entire amount borrowed plus interest, costs and fees, by the later of seven months from the date of service or three months from the date of entry of the foreclosure order (735 ILCS 5/15-1503); and

WHEREAS, if the loan is neither reinstated nor redeemed and the lender prevails in its suit, the real estate is subject to judicial sale with the proceeds of the sale being used to repay the lender (735 ILCS 5/15-1507); and

WHEREAS, judicial sales may be conducted by the Sheriff (735 ILCS-1507(b)); and

WHEREAS, increased demand for judicial sales requires additional staff support for judicial sales in the Sheriff's Office; and

WHEREAS, the Sheriff has indicated that upon approval of this Ordinance he will establish a Judicial Sales Division in his Office; and

WHEREAS, the creation of this new division in the Sheriff's Office necessitates an emergency appropriation to provide for the cost of the Judicial Sales Division for the remainder of FY09.

NOW THEREFORE, BE IT RESOLVED by this County Board of Lake County, Illinois, as follows:

1. The Sheriff's fee for conducting a judicial sale shall be \$500.00, except in the case of unimproved real estate which sells for \$10,000.00 or less where the fee shall be \$150.00. This fee shall be paid in advance of the sale by the party obtaining the sale.
2. Upon receipt of the judgment order from a Plaintiff-lender requesting a judicial sale,

File Number: 09-1823

the Judicial Sales Division shall:

- schedule a sale date to be held after the expiration of the redemption period;
 - give notice of sale to the public via the website;
 - obtain the publication certificate;
 - conduct a public auction;
 - make a report of sale to the Court;
 - issue the deed of sale after the Court confirms the sale;
 - publish sale results on the Sheriff's website.
3. If the Plaintiff-lender intends to make an opening bid, the Plaintiff shall submit to the Judicial Sales Division its opening bid at least two days in advance of the date of sale. If the Plaintiff does not make an opening bid then the sale shall be re-scheduled; unless the court order or judgment ordering the sale specifies otherwise. Notice of the date of all re-scheduled sales shall be provided to the public via the Sheriff's website.
 4. The Judicial Sales Division shall maintain a registry of properties that are scheduled for judicial sale, which shall include relevant information regarding the property including the property index number, plus the plaintiff's opening bid, if any.
 5. The Judicial Sales Division shall work in cooperation with the County's Information Technology Department to implement a program for dissemination of the information on the registry of properties via the internet, and to provide appropriate links from the Sheriff's website registry to other agencies and departments providing information about the real estate to be sold (the Chief County Assessor's Office, Maps Department, etc).
 6. The Sheriff is authorized to staff the Judicial Sales Division with two (2) Grade 8 Foreclosure Specialists effective immediately, and to add an additional Grade 10 Foreclosure Supervisor as workload permits and with agreement of the County Administrator.
 7. An emergency appropriation, effective July 1, 2009, of \$52,099 to provide for the cost of the Judicial Sales Division for the remainder of FY09, is authorized as follows:

101-3001110-46330	\$52,099	Foreclosure Fees
101-3011110-51110	\$28,741	Full-Time Salaries and Wages
101-3011110-74080	\$15,070	H-L-D Employee Benefits
101-3011110-74100	\$ 2,199	FICA
101-3011110-74080	\$ 2,469	IMRF
101-3011110-61040	\$ 1,000	Operational Costs
101-3001110-61060	\$ 620	Clothing and Uniforms
101-1102050-84060		
-000-000-000-11030	\$ 2,000	Office Furniture

File Number: 09-1623

BE IT FURTHER RESOLVED that the Lake County Clerk is hereby directed to forward a certified copy of this Ordinance to the Lake County Sheriff.

DATED, at Waukegan, Lake County, Illinois, on this 9th day of June, A.D., 2009

Staff Summary

- The Sheriff's Office in conjunction with Court Administration, States Attorney, County Administrator's Office and the Office of Finance and Administrative Services developed the policies and procedures for the Sheriff's Office to accept all judicial sales in Lake County.
- If the loan is neither reinstated nor redeemed, the real estate is subject to judicial sale. The judicial sales process occurs after the courts have issued a Judgement of Foreclosure on a property.
- Currently, most judicial sales are conducted by two Cook County companies and potential purchasers must travel to many different locations to participate in the judicial sale. The Sheriff and the Courts have received complaints and wish to centralize the process.
- The purpose of this venture is to centralize the foreclosure procedures for the entire County. This would allow for easier dissemination of information, location stabilization and a specific public point of contact.
- The proposed \$500 fee being charged to the purchaser of the judicial sale (property) is sufficient to cover all costs of the program.

Details

File #: 09-1623 Version: 1

Type: ordinance

Mover: Mary Cunningham Second: Susan Gravenhorst

Result: Pass

Agenda note:

Minutes note:

Presented by Kevin Lyons and Chief Michael Blazincic. This ordinance will authorize the Sheriff to conduct all foreclosure sales for Lake County. Mr. Lyons explained the current process and then took questions from the Committee. Discussion ensued. Member Calabresa requested that the bullets be expanded with more information. Mr. Lyons will add an attachment with policies and procedures for Committee-of-the-Whole and the County Board Meeting.

Action: approved and referred on to Financial and Administrative Committee

Action text: A motion was made by Member Cunningham, seconded by Member Gravenhorst, that this ordinance be approved and referred on to Financial and Administrative Committee. The motion carried by the following vote:

Votes (6)

6 records Group Export		
Name	Vote	
<u>Audrey Nixon</u>	Aye	
<u>Carol Calabresa</u>	Aye	
<u>Mary Cunningham</u>	Aye	
<u>Susan Gravenhorst</u>	Aye	
<u>Pat Carey</u>	Aye	
<u>Michelle Feldman</u>	Aye	